

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

In re: Abeisna Holding, Inc., et al.,	:	Chapter 11
	:	
Debtors.	:	BK Case No. 16-10790 (KJC)
	:	
_____	:	
RIOGLASS SOLAR, INC., et al.,	:	
	:	
Appellants,	:	
	:	
v.	:	C. A. No. 19-408-CFC
	:	
DRIVETRAIN, LLC,	:	BAP No. 19-13
	:	
Appellee.	:	

RECOMMENDATION

At Wilmington this **29th** day of **March, 2019**.

WHEREAS, pursuant to paragraph 2(a) of the Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District dated September 11, 2012, the court conducted an initial review, which included information from counsel, to determine the appropriateness of mediation in this matter;

WHEREAS, as a result of the above screening process, the issues involved in this case are not amenable to mediation and mediation at this stage would not be a productive exercise, a worthwhile use of judicial resources nor warrant the expense of the process. The issues raised on appeal are primarily issues of law, subject to *de novo* review, and none of the parties involved in this appeal feel mediation will be fruitful.

The parties have requested the following briefing schedule:

Appellant's Opening Brief April 22, 2019

Appellee's Response Brief May 24, 2019

Appellant's Reply Brief June 24, 2019

THEREFORE, IT IS RECOMMENDED that, pursuant to paragraph 2(a) Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District and 28 U.S.C. § 636(b), this matter be withdrawn from the mandatory referral for mediation and proceed through the appellate process of this Court. No objections to this Recommendation, pursuant to 28 U.S.C. § 636(b)(1)(B), FED. R. CIV. P. 72(a) and D. DEL. LR 72.1, are anticipated.

Local counsel are obligated to inform out-of-state counsel of this Order.

/s/ Mary Pat Thyng
Chief U.S. Magistrate Judge Mary Pat Thyng